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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,274

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Robert Albertus Brondijk

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02/06/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BUTCHER, BRIAN M

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,274	<b>Applicant(s)</b> BRONDIJK ET AL.	
	<b>Examiner</b> BRIAN BUTCHER	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (United States Patent US 6,151,286), hereinafter referenced as Inoue.

Regarding **claim 1**, Inoue discloses a recording method and apparatus for recording compressed audio data on a magneto-optical disc which reads on the recorder claimed. Inoue discloses "A recorder for recording information on a [ ] medium" (column 1, lines 52 - 54 'a recording method and apparatus whereby, in recording compressed audio data on a magneto-optical disc'), "writing means controlled by a processor" (See figure 11, items 11 and 20 (The main controller 11 control the recording unit 20.) and column 5, 47 - 50 'the main controller 11 of the audio transfer unit 10 furnishes audio data of the contents designated by the user from among the contents stored in the server 12 to the recording unit 20'), "wherein the processor is operative to perform an update of a recorded area indicator on the [ ] medium in response to an update command" (column 12, lines 40 - 47 'The TOC0 information command (TOC0inf) is a command specifying the information recorded in the U-TOC sector 0 of the optical disc D. On reception of the TOC0 information command

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(TOC0inf) and the information on the track size and track mode next to the command, the recording unit 20 finds the recorded start and end addresses of the ATRAC data from the track size to record the TOC data in the U-TOC' (The TOC0 information command (update command) results in the TOC data being written in the U-TOC (recorded area indicator).). However, Inoue fails to disclose that the recording medium is a "write once medium". Inoue discloses that the recording medium D is a magneto-optical disc (column 6, lines 1 - 3 'This magneto-optical disc, termed the so-called mini-disc, is herein after referred to simply as an optical disc D'), which is a rewritable disc being capable of a single write operation or multiple cycles of re-recording. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recording method and apparatus of Inoue to include recording on a write once medium because one having ordinary skill in the art would want to record once and maintain that one time recording as a record.

Regarding **claim 3**, Inoue discloses everything claimed as applied above (see claim 1). Specifically, see argument of claim 1 in regard to the recording method and apparatus of Inoue meeting the limitations of the apparatus in claim 1. Furthermore, notice that the argument applied to the apparatus of claim 1 applies to the method of claim 3 in that the apparatus of Inoue performs the method of claim 3.

**Claims 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Suzuki (United States Patent US 6,198,708 B1), hereinafter referenced as Suzuki.

Regarding **claim 2**, Inoue discloses everything claimed as applied above (see claim 1), however, Inoue fails to disclose "wherein the update command is a close track/session command".

In a similar field of endeavor, Suzuki discloses a disk driving device for rewritable disc which writes or updates the TOC information in response to the execution of a session-close command (column 3, lines 21 - 25 'The operation for closing the session and writing TOC information is called a session-close. After the session-close is executed, the data which has been already written, can be read by the CD-ROM driving device').

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recording method and apparatus of Inoue by specifically using the teachings in Suzuki to include an "update command [being] a close track/session command" because one having ordinary skill in the art would want to be able to read the recording medium with a CD-ROM driving device (Suzuki, column 3, lines 21 - 25 'The operation for closing the session and writing TOC information is called a session-close. After the session-close is executed, the data which has been already written, can be read by the CD-ROM driving device').

Regarding **claim 4**, Inoue and Suzuki disclose everything claimed as applied above (see claims 3 and 2). Specifically, see previous argument with respect to claim 3 and see argument of claim 2 with respect to Inoue and Suzuki meeting the limitations of the apparatus of claim 2. Furthermore, notice that the argument applied to the

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apparatus of claim 2 applies to the method of claim 4 in that the combined apparatus of Inoue and Suzuki performs the method of claim 4.

### ***Response to Arguments***

Applicant's arguments filed on 11/03/2008 with respect to claims 1 – 4 have been fully considered and are persuasive. In response, the original rejections are withdrawn and new rejections have been entered.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BMB

January 26, 2009

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627